IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13431 of 2004**

Between:

Smt. Katuka Vijayalakshmi W/o Ananda Rao
Garuvupet, Gunupudi, Bhimavaram, West Godavari District

..... PETITIONER

AND

1 The Regional Joint Commissioner, Multi Zone 1, Endowments Department, Kakinada, East Godavari District

2 The Assistant Commissioner, Endowment Department Eluru, W.G. District

3. Sri Someswara Janardana Swamy Temple, Gunupudi, Bhimavaram, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ, order or direction declaring the notices R.O.C. No. 39/2004 dated 17-5-2004 issued by the 3rd respondent herein as illegal, arbitrary, unreasonable, null and void and without jurisdiction and opposed the very spirit and object of the provisions of the A.P. Charitable and Hindu Religious institutions and Endowments lease of Agricultural Lands Rules, 2003.

**Counsel for the Petitioner: MR.P.VINAYAKA SWAMY**

**Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS**

**Counsel for the Respondent No.3: -**

**The Court made the following O R D E R:**

The petitioner is the cultivating tenant in respect of the lands belonging to the third respondent-temple. He states that in terms of the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, he made an application before the Assistant Commissioner of Endowments, Eluru-the second respondent herein, making a claim that he is a landless poor person and therefore, he is entitled to the benefit of sub-section (2) of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. The second respondent passed an order on 29-03-2004 rejecting his claim. Against the said order, he preferred an appeal before the Regional Joint Commissioner, Endowments Department, Kakinada, East Godavari District-the first respondent herein, which is pending. The grievance of the petitioner is that while the appeal is pending, the third respondent-temple issued the impugned notice dated 17-05-2004 directing him to handover the possession of the land in question, hence, this writ petition.

Since the statutory appeal is pending before the first respondent, I am of the view that it is necessary to protect the possession of the petitioner till the appeal is disposed of.

Accordingly, the writ petition is disposed of with a direction to the third respondent not to dispossess the petitioner from the land in question, till the appeal preferred by him against the order dated 29-03-2004, is disposed of by the first respondent. No order as to costs.

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30-07-2004

Note:Furnish C.C by Monday

B/o

Vrn

To

1 The Regional Joint Commissioner, Multi Zone 1, Endowments Department, Kakinada, East Godavari District

2. The Assistant Commissioner, Endowment Department Eluru, W.G. District

3 Sri Someswara Janardana Swamy Temple, Gunupudi, Bhimavaram, West Godavari District

4. Two CCs to the Government Pleader for Endowments, High Court of A.P., Hyderabad.(O.U.T.)

5. Two CD copies.